

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jackie Palmer,

Plaintiff,

v.

Nancy A. Berryhill, Acting Commissioner
of Social Security,

Defendant.

Civil Action No.: 5:17-cv-1065-TLW

ORDER

Plaintiff Jackie Palmer brought this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Defendant, Acting Commissioner of Social Security, denying his claims for Disability Insurance Benefits and Supplemental Security Income. ECF No. 1. This matter is before the Court for review of the Report and Recommendation (the Report) filed on May 22, 2018, by United States Magistrate Judge Kaymani D. West, to whom this case had previously been assigned pursuant to Local Civil Rule 73.02(B)(2)(a), (D.S.C.). ECF No. 25. In the Report, the Magistrate Judge recommends reversing the Commissioner's decision and remanding the case. On June 5, 2018, the Commissioner filed a notice that there are no objections to the Report. ECF No. 27. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life*

& Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

In light of this standard, the Court has carefully reviewed the Report, the relevant filings, and the applicable law and notes that the Commissioner has no objection to the Report. ECF No. 27. After careful consideration, the Court concludes that it is appropriate for the Administrative Law Judge (ALJ) to consider the record in full, including the additional reports provided by Plaintiff. As stated by the Magistrate Judge, the Court makes no determination as to whether these reports will be deemed as new and material evidence related to the relevant period. It is hereby **ORDERED** that the Report, ECF No. 25, is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, the Commissioner's decision is **REVERSED** and this case is **REMANDED** to the Commissioner for further proceedings consistent with this Order.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

July 20, 2018
Columbia, South Carolina